

Attorney Docket: 042860-0307533  
Client Reference: AFC-011

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re PATENT APPLICATION of: BERNARD ET AL.

AUG 12 2005

Application No.: 10/767,413

Confirmation Number: 2864

Filed: January 28, 2004

Examiner: D. Payne  
Group Art Unit 2633

Title: System and Method for Performance Monitoring in a Passive Optical Network

AMENDMENT

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a response to the Office Action mailed May 17, 2005.

Please amend the above-identified Application as follows:

08/15/2005 FHETEK11 00000017 033975 10767413

01 FC:1202 150.00 DA

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10\***

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I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: August 12, 2005

Signature

Sachiko Y Snedden

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be recorded the earliest possible filing date for patent term adjustment calculations.

PTO/SB/17 (12-04)

Approved for use through 07/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 150

## Complete if Known

Application Number 10/767,413  
Filing Date January 28, 2004  
First Named Inventor MARC R. BERNARD  
Examiner Name D. Payne  
Art Unit 2633  
Attorney Docket No. 042860-0307533

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## METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 033975 Deposit Account Name: PILLSBURY WINTHROP SHAW PITTMAN LLP
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## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	100	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### 2. EXCESS CLAIM FEES

Fee Description: Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent.  
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent.  
Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Total Claims 52 \* Extra Claims Fee (\$ 50.00 = Fee Paid (\$ 150.00

HP = highest number of total claims paid for, if greater than 20

Indep. Claims 3 \* Extra Claims Fee (\$ 0.00 = Fee Paid (\$ 0.00

HP = highest number of independent claims paid for, if greater than 3

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets 100 = Extra Sheets 0 /50= Number of each additional 50 or fraction thereof 0 Fee (\$ 250.00 = Fee Paid (\$

### 4. OTHER FEE(S)

Non-English Specification, 130 fee (no small entity discount)

Other:

SUBMITTED BY		Registration No.	Telephone
Signature		(Attorney/Agent) 55636	630233.4802
Name (Print/Type)	Anthony G. Smyth	Date	August 12, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date: August 12, 2005 Must Be Sent By:  
To: Examiner D. Payne Fax No: (571) 273-8300  
Company: USPTO, Art Unit 2633 Phone No: (571) 272-3024

Re: In re Patent Application of  
Inventors: Bernard et al.  
Appln. No.: 10/767,413  
Filing Date: January 28, 2004  
Title: SYSTEM AND METHOD FOR PERFORMANCE  
MONITORING IN A PASSIVE OPTICAL NETWORK

From: Anthony G. Smyth Phone No: 858.509.4007  
User No: 15636 C/M No: 042860-0307533

Comments:

Attachment(s):

Amendment, and Fee Transmittal (duplicate) for the above-identified application.

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Date: August 12, 2005

**SACHIKO Y. SNEDDEN**

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